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March 10, 2011

Ms. Marlene Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Implementation of Section 224 of the Act, WC Docket No. 07-245; A National  
Broadband Plan for Our Future, GN Docket No. 09-51**

Dear Ms. Dortch:

On Wednesday, March 9, 2011, Karen Flewharty (Oncor Electric Delivery), Allen Estes and I (Balch & Bingham LLP on behalf of Oncor Electric Delivery) met separately with the following:

- Zac Katz, Wireline Counsel for Chairman Julius Genachowski, as well as Sharon Gillette, Bill Dever and Jenny Prime of the Wireline Competition Bureau
- Margaret McCarthy: Legal Advisor for Commissioner Michael J. Copps

During the meetings, we discussed the points set forth in the attached handout. We focused on the fact that many of the proposed regulations will jeopardize and impede the relationships and progress being made at the local/operational level, particularly between Oncor and certain of its more cooperative attachers. Moreover, many of the proposed regulations will discourage cooperation and pre-planning which are key to meeting the common goals of electric utility pole owners, attachers and the FCC. We also made other points and responded to questions consistent with Oncor's comments filed in the above-referenced dockets, including questions regarding wireless attachments and continued incentives for attachers to cooperate and pre-plan.

The positions taken by Oncor Electric Delivery were consistent with its previous filings in the above-captioned dockets.

Pursuant to Section 1.1206(b) of the Commissions rules, a copy of this notice of *ex parte* communication is being filed electronically in the above referenced matter. Please contact me if you have any questions.

Marlene Dortch, Secretary  
March 10, 2011  
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Sincerely,

A handwritten signature in black ink that reads "Lindsay S. Reese". The signature is written in a cursive style with a large, stylized "L" and "R".

Lindsay S. Reese

LSR:lk

cc: Mr. Zac Katz  
Ms. Sharon Gillette  
Mr. Bill Dever  
Ms. Jenny Prime  
Ms. Margaret McCarthy

# Pole Attachments & Broadband Deployment

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**GN Docket 09-51  
WC Docket 07-245**

***Ex Parte* Presentation  
Oncor Electric Delivery Co.  
March 9, 2011**



BALCH & BINGHAM LLP

# Oncor Electric Delivery Co.

- ❑ 6<sup>th</sup> largest transmission and distribution company in U.S.
- ❑ Largest T&D system in Texas
- ❑ Provides power to 7M customers through 3M delivery points
- ❑ 102,000 miles of distribution / 14,000 miles of transmission
- ❑ 2.2M poles in Oncor's system
  - 270,000 owned by ILECs
- ❑ 180 active pole attachment agreements
- ❑ 3 wireless attachers

# Oncor, Attachers and the FCC Share Many Joint Use Goals

- ❑ Streamlined and predictable attachment process
- ❑ Economic development
- ❑ Strong communication services for communities benefits everyone – *e.g.* Oncor's Smart Grid strategy
- ❑ Safe working conditions

# The Issue: How to Reach these Goals?

- ❑ Solutions are operational and are achieved through:
  - Proactive planning
  - Process transparency
  - Balanced incentives
- ❑ Proposed regulations are not the answer:
  - Will encourage even less proactive planning
  - Will not foster cooperation
  - Will increase operational hurdles

# Solution is Cooperation and Collaboration

- ❑ Joint pre-planning is the key
  - Involving Oncor early (*i.e.* joint project management) allows Oncor to better meet attachers' needs
  - Attachers develop projects months/years in advance typically without involving Oncor
  - Attachers often provide incomplete and untimely information
  - Attachers' requirements often change with short (or no) notice
- ❑ Information Sharing (process/asset transparency)
  - Working together to improve knowledge of processes, safety and the electric system
  - Community planning sessions
  - NJUNS, online permitting, automated processing, etc.

# Proposed Regulations will Impede Oncor's Collaborative Approach (1 of 2)

- ❑ More one-sided regulation = less cooperation from attachers
- ❑ One-size regulations do not fit all
  - Most Joint Use issues are created by complexity and situational variety
  - NESC can not be “ceiling” – safety code, not design code
    - ❑ NESC is “floor” in Texas
    - ❑ PUCT Storm Hardening Docket
    - ❑ PUCT Substantive Rules for Electric Service Providers
  - Do not account for geographic variances
  - Do not account for new technological variances (especially wireless)



# Proposed Regulations will Impede Oncor's Collaborative Approach (2 of 2)

- ❑ Reduces even further attachers' responsibilities and accountabilities
  - Less incentive to work proactively with utility pole owners
  - Reduces utility pole owners' ability to proactively pursue cross-company solutions
- ❑ Addresses limited issues with broad regulations
  - Reigns in "bad" players by disadvantaging and harming the "good" players

# What Can the FCC do?

- ❑ Allow enforcement of negotiated contracts
- ❑ Rocket Docket for complaint proceedings
- ❑ Recognize pole owners' and attachers' ongoing improvements to processes (best practices), outside of regulation
- ❑ Encourage parties to work together to utilize information sharing technologies (*e.g.* GIS and work flow automation)
- ❑ Don't remove, with additional regulations, attachers' incentives to cooperate with pole owners
  - Incentive for cooperation must exceed incentive for non-cooperation